

46 Am. Jur. 2d Judges § 194

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Judges

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IX. Disqualification to Act in Particular Case

C. Remedies and Procedure

4. Hearing, Determination, and Appeal

§ 194. Presumption of qualification of judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  51(1), 51(4)

A judge is accorded a presumption of honesty and integrity,¹ and of being qualified, unbiased, and unprejudiced, for purposes of a motion to disqualify a trial judge.² Prejudice is not presumed.³ It is presumed that judges have the ability to make decisions based solely on the merits of the case⁴ and that a judge would not preside over a case where the judge's impartiality might reasonably be questioned.⁵ The basis of this is that the law will not suppose a possibility of bias in a judge who is sworn to administer impartial justice and whose authority greatly depends upon that presumption.⁶

Observation:

Despite the presumption, where doubt exists as to a judge's interest in a case, that doubt should be resolved in favor of disqualification.⁷

Footnotes

- 1 Robinson Nursing and Rehabilitation Center, LLC v. Phillips, 2016 Ark. 388, 502 S.W.3d 519 (2016); Kinney v. Southern Mississippi Planning and Development District, Inc., 202 So. 3d 187 (Miss. 2016); Chandler v. State, 2016 VT 62, 148 A.3d 574 (Vt. 2016).
- 2 Kinney v. Southern Mississippi Planning and Development District, Inc., 202 So. 3d 187 (Miss. 2016); State v. Stockert, 2004 ND 146, 684 N.W.2d 605 (N.D. 2004); Com. v. Druce, 577 Pa. 581, 848 A.2d 104 (2004).
As to overcoming the presumption of qualification, see § 195.
- 3 Hathcock v. Southern Farm Bureau Cas. Ins. Co., 912 So. 2d 844 (Miss. 2005).
- 4 State v. Dorsey, 701 N.W.2d 238 (Minn. 2005).
- 5 Moore v. Moore, 134 S.W.3d 110 (Mo. Ct. App. S.D. 2004).
- 6 Ex parte Adams, 211 So. 3d 780 (Ala. 2016).
- 7 Bank of Texas, N.A., Trustee v. Mexia, 135 S.W.3d 356 (Tex. App. Dallas 2004).

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